

1907-039 Chancery Causes: James A. Quillen vs. Rosa Quillen
Lee Co.

Cornett, McLane, McLain, Thomas

CA-Divorce
T-Vices

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JAMES A. QUILLEN, PLAINTIFF.

Vs.

Bill In Chancery.

ROSA QUILLEN, DEFENDANT.

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To the Hon.H.A.W.Skeen, Judge of the Circuit Court of Lee County:

Humbly complaining, your orator, James A. Quillen, a citizen of Lee County, Virginia, respectfully represents and alleges unto your honor:

1. That on or about the _____ day of _____, 189 _____ he and one Rosa Cornett were lawfully married to each other in Lee County, Virginia;

2. That continuously and hapily from the date of their said marriage, they lived together as husband and wife, in the Pocket country in Lee County, Virginia, until about the _____ day of _____ 189 _____, on which date, last aforesaid, to the great surprise of your orator, she, the said Rosa, left your orator and his home, without any just cause, or claiming to have any cause, for so doing, and she has not since returned to, lived with or cohabited with him since, and she still~~x~~ refuses to live with or ~~stay~~^{to} with your orator;

3. That since your orator and the said Rosa married to each, and since she left him as aforesaid, she has committed adultery, without the knowledge, procurment or connivance of your orator, within the last five years, that is to say, on the _____ day of _____, 190 _____, and ~~at~~^{at} various other times, the said Rosa Gillen, in Lee County, Virginia, in and around the town of St. Charles, and at various other places, did then and there have carnal and illicit intercourse with a man commonly called Bitts McLane; and that she has also been guilty of adultery with other persons, but whose names and where are unknown to your orator, but the same were committed within the last five years, and without the procurment or connivance of your orator;

3. That since your orator heard ~~of~~^{of} the said adulterous acts of the said Rosa Quillen, he has not lived with or cohabited with her, nor has she in any way condoned her said offences;

4. That both your orator and the said Rosa Quillen have resided and have been domiciled, in this State ever since their aforesaid marriage, and for more than one year next preceeding the institution of this suit, and are now domiciled and resided in this State and county.

In consideration whereof, and forasmuch as your complainant is remediless in the premises in a court of equity, your orator prays that the said Rosa Quillen be made a party defendant to this bill; that she be required to answer the same, but she need not do so on oath, as that is waived; that a divorce from the bonds of matrimony which was created by the aforesaid marriage be decreed him; and that your complainant have all such other, further and general relief in the premises as the nature of his case may require, or to equity shall seem meet. And he will ever pray, etc. May process issue, etc.

Birmingham Bros. P.Q.

Certs:

Clerk	3.30
Dax	1.55
Atty.	15.00
Sty.	1.10
Comm.	1.50
Wite.	1.00

James A. Guillen

vs. } Bill

Rosa Guillen

Filed Feb. 1, 1907,

N.C.D. Ewing,
Clerk.

1907 1st July Rules
Bill filed, Spas.
executed

" 2nd July Rules
Cause set for
hearing.

James A. Quillen, Complainant,

Vs.

Decree.

Rosa Quillen, Defendant.

This cause came on this the 18th day of February, 1907, to be heard upon the bill of the complainant; and the depositions of witnesses, taken in Virginia, before a Commissioner in Chancery for this court, and was argued by counsel:

On consideration of all which, and it appearing to the court, that process ~~has~~ has been duly served in person upon said defendant fifteen days before the first day of this term of the court, and independently of the admissions of either party to this cause, that the said parties were lawfully married to each other; that since their said marriage, and within five years from the institution of this suit, and without the procurment and connivance of the said complainant, that the said defendant has been guilty of adultery, and that the said defendant and said complainant are both residents of this State, and that they have resided and been domiciled in this county and State for more than a year previous to the institution of this suit, it is therefore, adjudged, ordered and decreed that said James A. Quillen and Rosa Quillen be and are hereby divorced from the bonds of matrimony which was created by the marriage aforesaid, and that the said marriage be, and the same is hereby dissolved and annulled; and it is further decreed that the said complainant recover from the said defendant his costs in this behalf expended. And this cause is stricken from the docket.

James A. Quillen.

Vs. Decree Final.

Rosa Quillen.

Entered in C.O.R.
#8, page 254v-

Enter this, Feb. 18 1907.

H. A. W. Stone

Judge.

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James A.Quillen, Complainant, #

Vs. #

Rosa Quillen, Defendant. #
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Depositions.

The depositions of J.T.McLain and others taken before me W.K.Hopkins, a Commissioner in Chancery for the Circuit Court for Lee County, Virginia, pursuant to the notice hereto annexed, at the law office of E.W.Pennington, in the town of Pennington Gap, in Lee County, Virginia, on the 8th day of February, 1907, and between the hours of 9 A.M. and 4 P.M. of that day, to be read as evidence in behalf of James A. Quillen, in a certain suit in equity, depending in the Circuit Court for Lee County, Virginia, wherein the said James A. Quillen is plaintiff and Rosa Quillen is defendant.

Present, E.W. Pennington, attorney for said Plaintiff,

" No one for said Defendant.

J.T.McLain, a witness of lawful age, after being duly sworn deposes as follows:

Q.1. Give your name, age, residence and occupation.

Ans. My name is J.T.McLain; I am 31 years old; reside at St Charles in Lee county, Va., and am saw-milling for an occupation.

Q.2. Do you know James A. & Rosa Quillen? If so, how long have you been acquainted with them?

Ans. I do know said James A. & Rosa Quillen. I have known both of them some six or seven years.

Q.4. Where do said James A. & Rosa make their home and residence if you know?

Ans. They both live in Lee County, Virginia; Rosa, lives at St. Charles and James lives in the Crab Orchard country.

Q.5. How long have they been living in Lee County, Virginia, if you know?

Ans. I don't know; they have both been living in Lee County, Virginia, ever since, I became acquainted with them, and they now still live in this county and State.

Q.6. Do you know whether said James A. & Rosa Quillen were married to each other?

Ans. I don't know personally whether they were ever married to each other; but I have heard Rosa say that she had been married to James.

Q.7. State whether the said Rosa Quillen and James A. Quillen are now living together as man and wife, if you know?

Ans. They are not living together.

Q.8. How long has said Rosa been living away from the said James A. Quillen, if you know, or about how long?

Ans. I don't know how long it has been since they lived together. As before stated, I have known them some six or seven years, and they have not lived together since I became acquainted with them.

Q.9. State whether the said Rosa Quillen since you became acquainted with her has had carnal connection with any person, other than the said James A. Quillen? If you say she has, tell when and where?

Ans. To my knowledge ~~she~~ *in and around the town of* has had carnal connection with a man; it was ~~about~~ *about* St Charles in this county, and it has been within the last year, and both before and after a year from this date. She has been guilty of adultery repeatedly within the last five years.

Q.10. With whom has she had carnal connection? Within the last 5 years?

Ans. I don't know of any one that she has had connection with that I can tell about.

Q.11. State whether the adulterous acts of the said Rosa were brought about by the procurement or connivance of the said James A. Quillen?.

Ans. No, that I know ^{thing} ~~any~~ about about. I don't believe they were, brought about by his procurement and connivance.

Q.12. Are you sometimes called "Bitts" McLain?

Ans. Yes sir.

Q.13. Has not said Rosa some small children? If so, how many and what is the age of the youngest?

Ans. She has two children with her, and they are about eight and two years old, respectively. The youngest one, does not favor James

A. Quillen; but the oldest one does favor James.

And further this deponent saith not.

*Witness claims \$50 &
Paid by plaintiff.*

J. T. McLain

Simpson Thomas, another witness after being duly sworn, deposes as follows:

Q. Q. 1. Give your name, age, residence and occupation.

Ans. My name is Simpson Thomas; I am 36 years old; I reside in the Pocket country near St Charles. I am ~~on~~ railroading.

Q. 2. Are you acquainted with James A. Quillen and Rosa Quillen, if so, how long have you known them?

Ans. I know said Quillens and have known them some fifteen to twenty years.

Q. 3. Where have the said Quillens lived and made their homes for the last two years, if you know, and where do they now live?

Ans. James lives in the Crab Orchard country, in this county, and Rosa lives in St Charles and near that place for the last two years and they both now live where they have lived for the last two years.

Q. 4. State whether the said Rosa keeps house, if so, where?

Ans. She had her brother keep house at St. Charles, until about two weeks ago, when they moved about one-half mile up Staright creek, on Wm. Turner's land in this county.

Q. 5. Do you know Bitts McLain? if so, how long have you known him?

Ans. Yes, I have known him for seven or eight years.

Q. 6. If you know state where said McLain makes his home, and for how long?

Ans. He has been staying at Rosa Quillen's for 15 to 18 months, I guess, and is staying there now.

Q. 7. Have you noticed any children at Rosa Quillen's, if so how many, and about how old are they?

Ans. I have. Floyd Witt has one now, which he claimed as his own, Monrow Penly has one, and she has two about the place. One of them James Quillen claims, and is about 6 or 7 years old, and the other one is about three years old, and I have heard Rosa say that it did not belong to James Quillen.

Q.8. State whether you ever saw the said Rosa Quillen with any man in a suspicious place, if so, state when it was, and who and what were they doing?

Ans. About four or five years ago, I caught Floyd Witt in bed with Rosa, in the Crab Orchard country, in this county. Then about two years ago on Puckett's creek in this county, I saw Rosa and Elbert Witt out ⁱⁿ on the woods together, sitting down ^a in a sink hole. They had their arms about each other when I saw them.

Q.9. State whether you know that said Rosa Quillen within the last five years has been guilty of adultery, that is, had carnal connection with some man, other than the said James Quillen?

Ans. Yes, but the man with whom she had this carnal connection, I don't want to tell who he was, on account of personal grounds.

Q.10. About how long has it been since the said James A. Quillen and the said Rosa Quillen have lived together?

Ans. I guess it has been six or seven years.

Q.12. Were any of the adulterous acts ^{you know any thing about} of the said Rosa brought about ^{by} the procurement and connivance of the said James, do you think?

Ans. No, I think not. I have no reason to think they were.

Q.13.

And further this deponent saith not.

Simpson Thomas

Virginia, Lee county, to-wit:

I, W.K. Hopkins, a commissioner in chancery for the Circuit court for Lee county, Virginia, do hereby certify that the foregoing depositions of J.T. McLian and Simpson Thomas, were duly taken, subscribed and sworn to before me at the time and place and for the purposes in the caption mentioned.

Given under my hand this the 8th day of February, 1907.

W.K. Hopkins
Comr. In Chancery.

James A. Quillen

vs } Deponents

Rosa Quillen

Filed February 15-1907.

H. C. T. Ewing

Clerk.

Paid W. K. Hopkins \$1.50
Witnesses 1.00

To Rosa Cornett:

Take notice, that on the 8th day of February, 1907, at the law office of E.W. Pennington, in the town of Pennington Gap, in Lee County, Virginia, between the hours of 9 A.M. and 4 P.M. of that day, I will take the depositions of Bits McLane and others, to be read as evidence in my behalf, in a certain suit in equity, depending in the Circuit Court for Lee County, wherein I am plaintiff and you are defendant; and if from any cause, the taking of the said depositions be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from day to day, from time to time and from place to place and between the same hours, until the same shall be completed.

This the 26th day of January, 1907.

Respectfully Yours,

James A. Quillen.

Pennington Bros. P.Q.

James A. Quillen,

Vs. Notice.

Rosa Quillen.

Exhibited Jan 25
Exhibited on the
25th day of January
1907 by delivering
to said Rosa Quil-
len in Su. Cal. a
true copy of
the within no-
tice.

E. S. Stapleton A. T.
for P. M. Ball
S. L. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Rosa Quillen

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the 1st Monday in February, 1907, to answer a bill in chancery exhibited against her

by James A. Quillen

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 23^d
day of January, 1907, and 131st year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

Executed on the 24th day of January, 1907, in Lee
County, Virginia, by delivering a true copy of the within
summons to Rosa Quillen the person named in the within
summons.

Est ceptum D.S.

For P.M. Ball, S.L.C.

Las. A. Quillen

VS

SUBPOENA
IN
CHANCERY.

Rosa Quillen

Proc. Bros. p. q

To

1st Feb'y

Rules.

Circuit

Court.

1907
Executed Jan 24

Virginia,

Lee County, to-wit:

To the Sheriff for Lee county, Greeting:-

Your are hereby commanded in the name of the Commonwealth of Virginia, to summon ~~Bitts~~ ~~McLane~~, E.F. Carter and Simpson Thomas to appear at the law office of E.W. Pennington, in the town of Pennington Gap, in Lee county, Virginia, on the 8th day of February, 1907, at the hour of Nine O'Clock A.M. of that day to give testimony in behalf of the plaintiff, in the case of James A. Quillen, plaintiff and Rosa Quillen, defendant, now pending in the Circuit court for Lee County, Virginia, and this they will in no wise omit under a penalty of \$20.00 each .

Given under my hand this the 24th day of January, 1907.

H. G. I. Ewing

Clerk.

James A. Guillen

vs } Subpoena

Rosa Guillen

Exhibited Jan 25th
1907 by summoning
the within named
witnesses

E. S. Stapleton D.S.

for P. M. Ball

S. L. C.

James A. Guillen

vs } Bee

Rosa Guillen

1900 to 10